

1 BOIES, SCHILLER & FLEXNER LLP
2 RICHARD J. POCKER (NV Bar No. 3568)
3 300 South Fourth Street, Suite 800
Las Vegas, NV 89101
4 Telephone: (702) 382-7300
Facsimile: (702) 382-2755
rpocker@bsfllp.com

5 BOIES, SCHILLER & FLEXNER LLP
WILLIAM ISAACSON (*pro hac vice*)
6 KAREN DUNN (*pro hac vice*)
5301 Wisconsin Ave, NW
7 Washington, DC 20015
Telephone: (202) 237-2727
8 Facsimile: (202) 237-6131
wisaacson@bsfllp.com
9 kdunn@bsfllp.com

10 BOIES, SCHILLER & FLEXNER LLP
STEVEN C. HOLTZMAN (*pro hac vice*)
11 KIERAN P. RINGGENBERG (*pro hac vice*)
1999 Harrison Street, Suite 900
12 Oakland, CA 94612
Telephone: (510) 874-1000
13 Facsimile: (510) 874-1460
sholtzman@bsfllp.com
14 kringgenberg@bsfllp.com

15
16 Attorneys for Plaintiffs
Oracle USA, Inc., Oracle America, Inc., and
17 Oracle International Corp.

18 UNITED STATES DISTRICT COURT
19 DISTRICT OF NEVADA
20

21 ORACLE USA, INC., a Colorado corporation;
22 ORACLE AMERICA, INC., a Delaware
corporation; and ORACLE INTERNATIONAL
23 CORPORATION, a California corporation,

24 Plaintiffs,
v.
25 RIMINI STREET, INC., a Nevada corporation;
26 AND SETH RAVIN, an individual,

27 Defendants.

MORGAN, LEWIS & BOCKIUS LLP
THOMAS S. HIXSON (*pro hac vice*)
KRISTEN A. PALUMBO (*pro hac vice*)
One Market, Spear Street Tower
San Francisco, CA 94105
Telephone: 415.442.1000
Facsimile: 415.442.1001
thomas.hixson@morganlewis.com
kristen.palumbo@morganlewis.com

DORIAN DALEY (*pro hac vice*)
DEBORAH K. MILLER (*pro hac vice*)
JAMES C. MAROULIS (*pro hac vice*)
ORACLE CORPORATION
500 Oracle Parkway, M/S 5op7
Redwood City, CA 94070
Telephone: 650.506.4846
Facsimile: 650.506.7114
dorian.daley@oracle.com
deborah.miller@oracle.com
jim.maroulis@oracle.com

Case No. 2:10-cv-0106-LRH-PAL

**DECLARATION OF NITIN JINDAL
IN SUPPORT OF ORACLE'S
OPPOSITION TO DEFENDANTS'
MOTION TO EXCLUDE EXPERT
TESTIMONY OF ELIZABETH A.
DEAN**

1 I, Nitin Jindal, declare as follows:

2 1. I am a member of the State Bar of California, and an associate at Morgan, Lewis
3 & Bockius LLP, counsel of record for Plaintiffs Oracle USA, Inc., Oracle America, Inc., and
4 Oracle International Corporation (collectively, “Oracle” or “Plaintiffs”) in this action. I submit
5 this declaration in support of Oracle’s Opposition to Defendants Rimini Street, Inc. (“Rimini”)
6 and Seth Ravin’s (together, “Defendants”) Motion to Exclude the Expert Testimony of Elizabeth
7 A. Dean. I have personal knowledge of the matters stated herein and could and would testify
8 competently about them if called upon to do so.

9 2. The Exhibits referenced below are all true and correct copies of excerpts from
10 final deposition transcripts, or documents produced in discovery. To minimize bulk, for ease of
11 use, and to the extent possible without losing context, only the relevant pages and information
12 are included in these Exhibits. We have provided yellow highlighting (in documents) and blue
13 boxing (in transcripts) where possible to further assist in identifying the information relevant to
14 Oracle’s opposition and cited in the accompanying brief and to provide relevant context.

15 **Expert Documents & Depositions**

16 3. Attached as **Exhibit A** is a true and correct copy of excerpts from the January 17,
17 2012 Expert Report of Elizabeth A. Dean. On May 22, 2012, Oracle served certain corrections
18 Dean made to her January 17, 2012 report. **Exhibit A** includes the corrected pages, where
19 relevant.

20 4. Attached as **Exhibit B** is a true and correct copy of Schedule 1 to the Expert
21 Report of Elizabeth A. Dean.

22 5. Attached as **Exhibit C** is a true and correct copy of Schedule 9 to the Expert
23 Report of Elizabeth A. Dean.

24 6. Attached as **Exhibit D** is a true and correct copy of an excerpt of the February 13,
25 2012 Revised Expert Report of Edward Yourdon.

26 7. Attached as **Exhibit E** is a true and correct copy of excerpts of the March 30,
27 2012 Expert Report of Scott D. Hampton.

28 8. Attached as **Exhibit F** is a true and correct copy of excerpts from the transcript of

1 the May 23, 2012 deposition of Elizabeth A. Dean.

2 9. Attached as **Exhibit G** is a true and correct copy of Exhibit 5 to the May 23, 2012
3 deposition of Elizabeth A. Dean.

4 **Documents Identified As Plaintiffs' Trial Exhibits ("PTX")**

5 10. Attached as **Exhibit H** is a true and correct copy of a December 2006 internal
6 Rimini email chain, produced by Rimini in this litigation with the Bates number RSI02123318.
7 This document has been marked by Plaintiffs as PTX 11.

8 11. Attached as **Exhibit I** is a true and correct copy of an October 2009 internal
9 Rimini email chain, produced by Rimini in this litigation with the Bates number RSI02229020.
10 This document has been marked by Plaintiffs as PTX 60.

11 12. Attached as **Exhibit J** is a true and correct copy of a December 2009 Rimini
12 presentation, produced by Rimini in this litigation with the Bates number RSI00050745. This
13 document has been marked by Plaintiffs as PTX 740.

14 13. Attached as **Exhibit K** is a true and correct copy of an October 2009 internal
15 Oracle email chain, produced by Oracle in this litigation with the Bates number
16 ORCLRS0443471. This document has been market by Plaintiffs as PTX 769.

17 14. Attached as **Exhibit L** is a true and correct copy of an excerpt of a Rimini Street
18 customer analysis, produced by Rimini in this litigation with the Bates number RSI01871924.
19 This document has been marked by Plaintiffs as PTX 795.

20 **Deposition Testimony**

21 15. Attached as **Exhibit M** is a true and correct copy of an excerpt from the transcript
22 of the July 21, 2011 deposition of Michael Davichick, Rimini's Vice President of Sales.

23 16. Attached as **Exhibit N** is a true and correct copy of excerpts from the transcript of
24 the January 5, 2012 deposition of Kevin Maddock, Rimini's Vice President of Support Sales.

25 17. Attached as **Exhibit O** is a true and correct copy of an excerpt from the transcript
26 of the December 14, 2011 deposition of Safra Catz, Oracle's then-President and Chief Financial
27 Officer.

28 18. Attached as **Exhibit P** is a true and correct copy of excerpts from the transcript of

1 the November 28, 2011 Rule 30(b)(6) deposition of Cort Swanson, corporate representative of
2 AGCO Corporation.

3 19. Attached as **Exhibit Q** is a true and correct copy of excerpts from the transcript of
4 the November 1, 2011 Rule 30(b)(6) deposition of Barbara Shepard, corporate representative of
5 Blue Cross and Blue Shield of Kansas City.

6 20. Attached as **Exhibit R** is a true and correct copy of an excerpt from the transcript
7 of the November 3, 2011 Rule 30(b)(6) deposition of Kim Cabada, corporate representative of
8 CKE Restaurants, Inc.

9 21. Attached as **Exhibit S** is a true and correct copy of excerpts from the transcript of
10 the November 30, 2011 Rule 30(b)(6) deposition of John Hintz, corporate representative of
11 Hastings Entertainment.

12 22. Attached as **Exhibit T** is a true and correct copy of excerpts from the transcript of
13 the November 17, 2011 Rule 30(b)(6) deposition of Stephen Woodward, corporate representative
14 of Pitney Bowes.

15 **Other Documents**

16 23. Attached as **Exhibit U** is a true and correct copy of Trial Stipulation and Order
17 No. 3 Regarding Certain Facts, a September 29, 2010 stipulation and order entered in *Oracle*
18 *USA, Inc. v. SAP Ag*, No. 07-CV-01658 (N.D. Cal.), which describes the scope of copyright
19 infringement in that case.

20 24. Attached as **Exhibit V** is a true and correct copy of excerpts from the November
21 9-10, 2010 trial transcripts in *Oracle USA, Inc. v. SAP Ag*, No. 07-CV-01658 (N.D. Cal.).
22

23 I declare under penalty of perjury that the foregoing is true and correct, and that I
24 executed this Declaration on June 22, 2015 in San Francisco, California.
25



Nitin Jindal

26
27
28